OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Mage M.G. et al, Journal of Immunological Methods 15:47-56 (1977)

Wysocki L.J. and Sato, V.L., Proc.Natl.Acad.Sci (USA) 75(6):2844-2848 (June 1978)

Landreth K.S. et al., roc.Natl.Acad.Sci (USA) 79:2370-2374 (1982)

Bunemann H. et al., Nucleic Acids Research 10(22):7163-7180 (1982)

Bunemann H., Nucleic Acids Research 10(22):7181-7196 (1982)

EXAMINER

DATE CONSIDERED

^{*}EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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EXHIBIT 5 TO AUGUST 10, 2007 COMMUNICATION

MISSING F/W ITEM NO. 5

JULY 30, 2002 SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§1.56 & 1.97-1.98 (WITH EXHIBITS 1-28)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jannis Stavrianopoulos et al.

Serial No. 08/486,070

Group Art Unit: 1631

Filed:

June 7, 1995

Examiner: Ardin H. Marschel, Ph.D.

Title: ARRAYS AND SYSTEMS COMPRISING ARRAYS FOR GENETIC ANALYSES

AND OTHER APPLICATIONS (As Previously Amended)

TRANSMITTAL SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

DIRECTOR OF PATENTS AND TRADEMARKS Washington, D.C. 20231

Sir:

Transmitted herewith is a Second Supplemental Information Disclosure Statement which is being filed in accordance with 37 C.F.R. §§ 1.56 and 1.97-1.98. The items listed on Form PTO-1449, a copy of which is enclosed, may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

- 1. [] For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed.
- 2. [] For each of the following items listed on the enclosed copy of form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the aboveidentified application.

Serial No.: 08/486,070 Filed: June 7, 1995

Page 2 [Transmittal -- Second Supplemental Information Disclosure Statement

-- July 30, 2002]

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No.: EL647884420US

Deposit Date:

July 30, 2002

I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.110 on the date indicated above and is addressed to the Commissioner of Patents and

Trademarks, Washington, D.C. 20231.

Ronald C. Fedus

Date

Reg. Exhibit 32,567

Jannis Stavrianopoulos et al. Serial No.: 08/486,070 Filed: June 7, 1995 Page 3 [Transmittal -- Second

Page 3 [Transmittal -- Second Supplemental Information Disclosure Statement -- July 30, 2002]

- 4. [] No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - [] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - [] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in 1.491 in an international application.
 - [] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits.
- 5. [] No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. 1.97(e) set forth in paragraph 9 below.
- 6. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
 - [] A check in the amount of \$240.00 is enclosed in payment of the fee.
 - [] Charge the fee to Deposit Account No. 05-1135, Order No. ENZ-7(P)(C3). A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- 7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
 - a. one of the certification pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and

Filed: June 7, 1995 Page 4 [Transmittal -- Second Supplemental Information Disclosure Statement -- July 30, 2002] the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in c. paragraph 10 below. 8. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with: a. [] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue; b. [] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue. c. [] The fee due under 37 C.F.R §1.17(i)(1) is paid as set forth in paragraph 10 below. 9. [] I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. [] I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 10. [] A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1). [] Charge the fee under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 05-1135. Order No. ______. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Jannis Stavrianopoulos et al.

Serial No.: 08/486,070

Serial No.: 08/486,070 Filed: June 7, 1995

Page 5 [Transmittal -- Second Supplemental Information Disclosure Statement

-- July 30, 2002]

[x] The Commissioner is hereby authorized to charge any additional fees which may be required for this Second Supplemental Information Disclosure Statement, or credit any overpayment to Deposit Account No. 05-1135. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

Dated: July 30, 2002

RONALD C. FEDUS

Registration No.: 32,567

Mailing Address:

ENZO LIFE SCIENCES, INC. c/o Enzo Biochem, Inc. 292 Madison Avenue, 9th Floor New York, New York 10022 Telephone: (212) 583-0100

Telefax: (212) 583-0150

EXPEDITED PROCEDURE
RESPONSE UNDER 37 C.F.R. §1.116
EXAMINING GROUP ART UNIT. 1631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stavrianopoulos et al.

Serial No.: 08/486,070) Group Art Unit: 1631

Filed: June 7, 1995) Ex'r: Ardin H. Marschel, Ph.D.

For: ARRAYS AND SYSTEMS COMPRISING)

ARRAYS FOR GENETIC ANALYSES AND

OTHER APPLICATIONS
(As Previously Amended)

527 Madison Avenue, 9th Floor New York, New York 10022 July 30, 2002

FILED VIA EXPRESS MAIL

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§1.56 & 1.97-1.98

Dear Sirs:

Pursuant to the provisions of 37 C.F.R. §§1.97-1.98, and in full compliance with their duty of disclosure under 37 C.F.R. §1.56, Applicants are filing this Second Supplemental Information Disclosure Statement. This paper follows Applicants' June 28, 2002 Supplemental Information Disclosure Statement Under 37 C.F.R. §§1.56 & I.97-I.98. In submitting this paper, Applicants, through their attorney, are bringing the following twenty-seven (27) documents to the attention of the U.S. Patent and Trademark Office and the Examiner handling their above-identified application:

Serial No.: 08/486,070 Filed: June 7, 1995

Page 2 [Second Supplemental Information Disclosure Statement

-- July 30, 2002]

EXPRESS MAIL CERTIFICATE

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I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.110 on the date indicated above and is addressed to the Commissioner of Patents and

Trademarks, Washington, D.C. 20231.

Ronald C. Fedus

Date

Reg. Exhibit 32,567

Serial No.: 08/486,070 Filed: June 7, 1995

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- 1. Mundy, U.S. Patent No. 4,656,127 issued April 7, 1987 [EXHIBIT 1];
- Maxam, A.M. and Gilbert, W., "Sequencing End-Labeled DNA with Base-Specific Chemical Cleavages," Methods in Enzymology 65:499-560 (1980) [EXHIBIT 2];
- 3. Sanger, F. et al., "DNA Sequenceing with chain-terminating inhibitors," Proc. Natl. Acad. Sci. (USA) 74(12):5463-5467 (1977) [EXHIBIT 3];
- 4. Barzynski et al., U.S. Patent No. 3,849,137, issued November 19, 1974 [EXHIBIT 4];
- 5. Pazos, U.S. Patent No. 4,269,933, issued May 26, 1981 [EXHIBIT 5];
- 6. Fusek, U.S. Patent No. 4,516,833, issued May 14, 1985 [EXHIBIT 6];
- 7. Urdea et al., U.S. Patent No. 4,517,338, issued May 14, 1985 [EXHIBIT 7];
- 8. Elings et al., U.S. Patent No. 4,537,861, issued August 27, 1985 [EXHIBIT 8];
- 9. Lowe et al., U.S. Patent No. 4,562,157, issued December 31, 1985 [EXHIBIT 9];
- 10. Dattagupta et al., U.S. Patent No. 4,713,326, issued December 15, 1987 [EXHIBIT 10];
- 11. Guire, U.S. Patent No. 4,973,493, issued November 27, 1990 [EXHIBIT 11];
- 12. Eian et al., European Patent Application Publication No. EP 0 046 083, filed August 10, 1981 [EXHIBIT 12];
- 13. Dueber et al., European Patent Application Publication No. EP 0 103 197, filed August 16, 1983 [EXHIBIT 13];
- 14. Geysen, H. M., International PCT Patent Application Publication No. WO 84/03564, filed March 8, 1984 [EXHIBIT 14];

Serial No.: 08/486,070 Filed: June 7, 1995

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- 15. Amit B. et al., "Photosensitive Protecting Groups of Amino Sugars and Their Use in Glycoside Synthesis. 2-Nitrobenzyloxycarbonylamino and 6-Nitroveratryloxycarbonylamino Derivatives," Journal of Organic Chemistry 39(2):192-196 (1974) [EXHIBIT 15];
- 16. Amit B. et al., "Photosensitive Protecting Groups A Review," Israel Journal of Chemistry 12(1-2):103-113 (1974) [EXHIBIT 16];
- 17. Barltrop J.A. et al., "Photosensitive Protective Groups," Chemical Communications 22:822-823 (1966) [EXHIBIT 17];
- 18. Flanders D.C. and Smith, H.I., "A new interferometric alignment technique," Applied Physics Letters 31(7):426-428 (1977) [EXHIBIT 18];
- 19. Krile T.F. et al., "Multiple holography with chirp-modulated binary phase-coded reference-beam masks," Applied Optics 18(1):52-56 (1979) [EXHIBIT 19];
- 20. Ohtsuka E. et al., "Studies on transfer ribonucleic acids and related compounds. IX⁽¹⁾Ribooligonucleotide synthesis using a photosensitive onitrobenzyl protection at the 2'-hydroxyl group," Nucleic Acids Research 1(10):1351-1357 (1974) [EXHIBIT 20];
- 21. Patchornik A. and Amit B., "Photosensitive Protecting Groups," Journal of the American Chemical Society 92:6333-6335 (1970) [EXHIBIT 21];
- 22. Pillai V.N.R. et al., "3-Nitro-4-Aminomethylbenzoylderivate von Polyethylenglykolen: Eine neue Klasse von Photo-sensitiven loslichen Polymeren Tragern zur Synthese von C-terminalen Peptidamiden," Tetrahedron Letters 36:3409-3412 (1979) [Please note that this article is written in German [EXHIBIT 22];
- 23. Pillai V.N.R., "Photoremovable Protecting Groups in Organic Synthesis," Synthesis (International Journal of Methods in Synthetic Organic Chemistry), Schill, G. et al., eds., Georg Thieme Verlag publishers, Stuttgart and New York, pages 1-26, published 1980. [EXHIBIT 23];
- 24. Zehavi U. et al., Light-Sensitive Glycosides. I. 6-Nitroveratryl Beta-D-Glucopyranoside and 2-Nitrobenzyl Beta-D-Glucopyranoside," Journal of Organic Chemistry 37(14):2281-2285 (1972) [EXHIBIT 24];

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-- July 30, 2002]

- 25. Dattagupta et al., U.S. Patent No. 4,542,102, issued September 17, 1985 [EXHIBIT 25];
- 26. Frank et al., U.S. Patent No. 4,689,405, issued August 25, 1987 [EXHIBIT 26]; and
- 27. Seed B., "Diazotizable arylamine cellulose papers for the coupling and hybridization of nucleic acids," Nucleic Acids Research 10(5):1799-1810 (1982) [EXHIBIT 27].

A completed Form PTO-1449 listing the 27 above-submitted documents is also attached hereto as Exhibit 28.

The above-listed documents came to the attention of Applicants' attorney while reviewing several U.S. patents. The first three documents (Nos. 1-3, Exhibits 1-3) were cited in Chee et al., U.S. Patent No. 5,837,832, issued on November 17, 1998. The next 21 documents (Nos. 4-24, Exhibits 4-24) were cited in Fodor et al., U.S. Patent No. 5,744,305, issued on April 28, 1998. The last three documents (Nos. 25-27, Exhibits 25-27) were cited in Fodor et al., U.S. Patent No. 5,800,992, issued on September 1, 1998.

By this voluntary citation of art, Applicants and their attorney are requesting that the documents be made of record in the present application.

The above citation of documents is not a representation that these documents constitute a complete or exhaustive listing, nor that the above listing necessarily includes the closest or most relevant documents, nor are these documents necessarily a complete listing of all documents known to Applicants or their attorney. It is simply a voluntary citation of documents made in good faith, which is not intended to serve in any way as a substitute for the Examiner's own search.

In view of the general and specific features described and claimed in the present application, Applicants respectfully submit that the present invention is neither disclosed nor suggested by the documents referred to above and is thus

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patentably distinct thereover. Furthermore, Applicants do not believe, and do not submit, by the citation of these references, that these documents, either by themselves or in combination with other documents, render the invention *prima* facie obvious under the duty of disclosure rules.

Applicants respectfully request that the Examiner make the above-submitted documents of record in the instant application. Applicants further request that the Examiner consider these documents as any of them may relate to the instant application.

The fee under 37 C.F.R. §1.17(p) for filing this Second Supplemental Information Disclosure Statement is \$180.00. The Patent and Trademark Office is hereby authorized to charge the amount of this fee (and any other fees in connection with this IDS) to Deposit Account No. 05-1135, or to credit any overpayment thereto.

Respectfully submitted,

Ronald C. Fedus

Registration No. 32,567 Attorney for Applicants

ENZO LIFE SCIENCES, INC. c/o Enzo Biochem, Inc. 527 Madison Avenue, 9th Floor New York, New York 10022-4304 Tel. (212) 583-0100 Fax (212) 583-0150

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